8133. c. 58.
1-9

A LETTER *to Mr.* Samuel Johnson, *occasion'd by his* Argument, proving that the Abrogation of King *James*, &c.

To the Reader.

THis Letter comes to you by the direction of Mr. Samuel Johnson; *it was sent to him in a private and friendly manner, and he desired it might be printed, and then he would give his Thoughts of it; which was charitably done, that the Nation might partake farther of his Ability in this most important Point of Government, the* Original *and* Nature *of it, its true* Intent *and* Limitations, *to make it consistent with the End for which it was ordained,* the Good and Safety of the People; *towards which I am glad it happens in my way to contribute, by being the occasion of prompting others to speak, who can do it much better than my self.*

The LETTER.

SIR,

YOU have suffered much, contending for the Good of your Country, and asserting the true *English* Freedom; and you have given us another Effort of your Zeal in the late Tract which you bestowed on the House of Commons, entituled, *An Argument proving that the Abrogation of King* James *by the People of* England *from the Regal Throne, and the Promotion of the Prince of* Orange, *one of the Royal Family, to the*

Throne of the Kingdom in his stead, was according to the Constitution of the English Government, and prescribed by it.

This you prove, *pag.* 50. by a Declaration of the Lords and Commons 10 *Ric.* 2. in their Message to the King, which is mentioned by *Knighton*, and the import of it is, *That if the King will not govern according to Law, the People may Depose him, and set up some other of the Royal Family in his stead.* And the Declaration mentions that they have it by antient Statute; but you confess, *p.* 52, 53. that there is no such Statute to be found in the Records of the *Tower*, or any where else.

But besides this, you will be told that this was a Rebellious Parliament, such as that in 1641. and their deposing *R.* II. and setting up *H.* IV. was declared illegal; and this was the Rise of that bloudy and long liv'd War 'twixt *York* and *Lancaster*, (and therefore a very unlucky Precedent to be brought in our present Case;) and that notwithstanding three *Lancastrian* Kings, *H.* 4. *H.* 5. and *H.* 6. held the Crown successively; yet they were all declared Usurpers, or *de facto* Kings, by Act of Parliament 1 *Edw.* 4.

And this Act of Parliament, which is in being, will outweigh your Statute *in Nubibus*, which was named, but not quoted in that Rebellious Message of the Lords and Commons mentioned by *Knighton*. You next, from *p.* 54. to 59. quote some much disputed Sayings out of *Bracton*, *Fortescue*, and the *Mirror*, as if the King were accountable to the People, and that they might take Arms against him, *&c.* in case of Male Administration.

Sir, Not to enter upon the Dispute of these Sayings of theirs, which you know are interpreted far otherwise than you do, it will be objected to you, that you take the sense of our English Parliaments from others, rather than themselves; from chance Stories and Pamphlets, rather than the authentick Records, and Acts of Parliament; as if I should, for Example, quote this Book of yours for the true Sense of *Abdication*, against the express Words and Import of the Act of *Convention*, which founded the Vacancy of the Throne upon King *James*'s *Recess*, not upon the *Male Administration*, pretended against his Ministers onely in the Pr. of *Orange*'s Declaration; for the Law of *England* knows no such thing as the

the King's *Forfeiting* his Crown, nor did either *Convention* or *Parliament* touch upon that Point; for they knew there was an Act of Parliament, 14 *C.* 2. which declared, *That it was not lawfull upon any pretence whatsoever to take Arms against the King*, &c. and which as well *Corporations* as *Clergy* were obliged to subscribe; and, Mr. *Johnson*, you will tell us whether ever you your self have subscribed it, and how often.

There is likewise an Act 12 *C.* 2. c. 30. which declares, *That neither the Peers, nor Commons, nor both Houses together, nor the People Collectively nor Representatively, in Parliament or out of Parliament, nor any other Persons whatsoever, have any Coercive Power over the King of* England. And 13 *C.* 2. *That the Sword is solely in the King's Power; and that neither one nor both Houses of Parliament can, or lawfully may raise or levy any War, Offensive or Defensive, against his Majesty*, &c. It was this forced the Convention upon the point of *Abdication*, *viz.* that King *James* did voluntarily recede from the Government, (for a Forced Recess is not said to be an Abdication,) and so left the Throne vacant.

What you have said so severely against this, you have presented to the House of *Commons*, with whom I leave it, and go on a little with you to the Argument. I desire therefore to know your Opinion, whether an *Act of Parliament* is not the *supreme Law* of *England*; whether it may not alter the *Common Law*, or any *former Act of Parliament?* Whether it be not our *fundamental Constitution*, &c. If so, then the forecited Acts are *Law*, are *Fundamentals*, are *our Constitution*; and so are the *Homilies against Rebellion*, for they are confirmed by Act of Parliament; and you called it in your *Julian*, *The next best Book to the Bible.* Therefore I earnestly desire your Animadversions upon the 2d *Homily* against Rebellion, which if you do sincerely, will end this whole Controversie; and remember, as you read it, that it is every word an Act of Parliament:

But if you'll say that *Parliaments* may be mistaken, which you must, or yield absolutely to your old Foe, *Passive Obedience*; then I desire to know whether, upon your Scheme, you leave it to every Man to oppose the Parliament as he thinks fit, and consequently whether the Parliament be our *Fundamental*

mental Constitution; for I suppose you will not consent that every man has Authority to overturn our *Foundations* at his Pleasure.

I see no way you have to escape from the Authority of Parliaments, but by reducing them to their first Principles, as you suppose them, that is, to be *Representatives* of the *People*, and consequently accountable to the People, who, as you and they pretend, do impower them; and one would think that this were essential to the very nature of a *Representative*, as we see it in *Holland*, where the *Deputies* of their *Towns* and *Counties* are obliged to consult their *Principals* in all Cases that exceed their Instructions; and if they should give their Votes without the Consent and Approbation of their *Principals*, they would not onely be punished as Betrayers of their Trust, but their *Acts* made null and void.

An *unaccountable Representative* is a Boundless Thing; it is as absolute as the *Grand Seignior*; they may *sell*, *betray*, and doe what they please; and all Nations, jealous of their Liberties, have been aware of granting any such Power to their *Representatives*, it having proved often more fatal than even a *Conquest* by *Foreigners*. In the Year 1672. when the *French* over-run *Holland* to that degree, that, as the *Netherland* Historian tells us, page 39. *Amsterdam* it self was ready to have met the *French King* with the Keys of their City, if he had advanced to them, as they expected and feared. Nay, if but 4 or 5000 Horse had onely gone forward, the Historian saith, that *Amsterdam*, *Holland*, and the *whole State* had fallen into the Enemies hands; when the enraged *Mobb*, mad with their Misfortunes, were threatening to sacrifice their Governours; others flying where they could, and all at their Wits end; yet even in all these most desperate and deplorable Circumstances, when they were sending *Deputies* to treat with their *Potent Enemy*, and some proposed to give their *Deputies* full Power to make what Conditions they could, the History tells us in the same place, that the Province of *Zealand*, *June* 29. "Rejected the Reasons alledged "for this Commission, and protested against them, decla-"ring it to be a thing unheard of in the Government of these

"Coun-

" Countries, to make any Plenipotentiaries, (without an " arrested Instruction,) when it concerned Religion, Liber- " ty, and the lawfull Government of the Land; wherefore " they disavowed this Commission as suspitious, and of dan- " gerous Consequence.

But the People of *England* trust their *Religion*, *Liberty*, &c. into the hands of their *Representatives*, without any Conditions, Restrictions, or Limitations whatsoever; so that if they set up the *Alcoran*, or *Racovian Catechism*; if they sell our *Liberties*, *Money* and *Properties*, tho' they are taken off with *Offices* and *Bribes* in the face of the Sun, and change their Note in a day's time; yet they must not be accountable but to one another, and if the major part (or the leading men who govern the major part) be taken off, then there is no Remedy by our present *Constitution*; they may proclaim their being *Closeted*, *Pensioned*, *Officer'd*, *Brib'd*, and what you will; for it must come to a Vote in the *House of Commons*, and there they are sure to carry it.

When the Senate of *Rome* pretended to be *unaccountable Representatives*, the *Roman Historians* tell, that they sold *Rome* to *Jugurtha*, King of *Numidia*, a declared Enemy of *Rome*, and then making War upon them. Dr. *Burnet*, *Hist. Refor.* part 2. book 2. p. 291. tells us how the *Spanish Gold* prepared the *Parliament* in the Reign of *Phil.* and *Mary*, even to abolish the *Protestant Religion* which was then *Established by Law*, and to set up *Popery* in its place. And who knows what power *Gold* has had, and may have in our Parliaments? It is impossible to be sure upon the Foundation we stand.

But if the *Representatives* were accountable to their *Electors*, they would be a little more cautious about *Bribery*, or any other sinister Designs; and if their Acts were to be ratified by their *Principals*, (as it is in *Holland*,) the Nation would be more secure, for, to be sure, the *People* will never sell themselves.

Towards this it is necessary, and it is a necessary consequence of this, That every *County* and *Burrough* should have power to change their Member of Parliament as they see cause; how else is he their *Representative*? What if he will not follow their Instructions? What if they know him to

be

be brib'd and taken off? This is not to make him a *Representative*, but absolute *Lord*, and *Master*, and *Sovereign*, *unaccountable*, *Disposer* of their *Lives and Fortunes*, their *Religion*, their *Liberty*, their *Wives*, *Children*, and *Posterity*.

And pray tell me, Is not an *Absolute King* more eligible than this? He cannot be brib'd to sell his Countrey; for there is no *Equivalent* can be given to a King for the loss of his Kingdom: But *unaccountable Representatives* may be Bribed one by one, and there are Examples of it in all Ages, in none more than in our own.

Secondly, Is not a *King* more absolute for having such *Representatives*, as Tools to pass all his Arbitrariness upon the People undiscovered, who bear whatever goes in the name of their *Representatives*, like a Burden one is used to, without complaining?

And no King can want Money to Bribe them, because they will give Money to Bribe themselves, and the People are to ask no Questions, nor to know what is become of their Money.

Mr. *Johnson*,

The Freedom of these Thoughts I judged fittest to be communicated to you, because you set up for a Lover of your Countrey, their *Original Rights* and *Liberties*, which if they be invaded, there is no comfort or Honour to say, *It is done by their Representatives*; that makes their Case more *lamentable*, *contemptible*, and *incurable*.

No doubt you will improve these Hints, if you like them; if not, I would be glad to know how you will get over those Acts of Parliament which enact *Passive Obedience*. If we must stand and fall by Acts of Parliament, the Cause is determined against you; if you go higher, to what you call our *Original* Rights, I would be glad to partake of your Thoughts upon what I have said, with the same Calmness, and void of Reflexions, of which I have given you an Example.

I assure you my Design is for the good of my Countrey, that they may be happy, and long continue so, by being settled upon true and lasting Foundations, and that they discover and avoid all fatal Errours in their *Constitution*, and

thereby

thereby escape those *Convulsive Revolutions*, into which they have had such dangerous *Relapses* in this and the last Age, that without some effectual Remedy applied, our *Dissolution* seemeth to draw near. To discover the Cause is the first step towards the Cure; *that* I have endeavoured, how justly I leave you to judge, and desire your Correction in what I have done amiss, and am,

SIR,

The second Day of January, 1692.

Your humble Servant.

POSTSCRIPT.

March 4. 1692.

SIR,

THE *Triennial Bill* made me less solicitous to publish this Letter as you desired, because a Remedy did thereby seem to be provided against the *Corruption* of *Parliament Men*, so far, at least, as to give the People a Liberty to change their *Representatives* every *Three* Years. But there are a set of discontented Folks, who presume even to lay Wagers upon the *Exchange*, that the K. will not pass the Bill; which no Men of Sense do believe, but it does great Prejudice among the Common People, to disaffect them against the Government; as if our *Deliverer* designed more *Arbitrary* Proceedings than those we complain of in the last Reign.

Sir, There is no Man will be more affected with what may unhinge this Government than your self, or better qualified to prevent so fatal a Blow as this would be to it: For the People think it no other than telling them, in plain English, that a *Free Parliament* must never be hoped for in this Reign, that they are affraid of such a Parliament, and that the *Disease* of the Nation is now without *Remedy*. But I need not

put

put Arguments in your Mouth: I do by no means give the least Credit to that pernicious Surmise of Rejecting the Bill; but it is good to prevent all possible Hazards. And I earnestly recommend it to your Care; especially considering the Consequence of the late *Addresses* of Both Houses, which so plainly set forth the *Exorbitance*, *Arbitrariness*, and *Illegality* of this Government in *Ireland*, from the very Beginning of this Reign, as well while the King was there in Person, as since, which some make use of to over-balance all that is objected against K. *James*'s Government, as well before as after he went into that Kingdom; which they now begin to say, has suffered much more from K. *William*'s Administration than K. *James*'s, even the *Protestant Religion* and Interest, by the great and illegal Favour to the *Papists*, and Oppression to the *Protestants*, so freely represented in the said Addresses. This prompts the Disaffected Party *Here*, to bring the Comparison even to *England*, and lay to Heart the Abolition of *Episcopacy*, and the violent Proceedings in favour of the *Presbyterians* in *Scotland*: And if this Bill should be Rejected, believe me, the Objections will rise very high as to this Kingdom. To prevent all which, is that, Sir, which has mov'd me to say all this to you; and I hope it will be to good Effect.

FINIS.